

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT NEFF, an individual,

Plaintiff,

vs.

ZEWDNEH N. DESTA and JANE DOE  
DESTA, husband and wife, K&B  
TRANSPORTATION, INC., a foreign  
corporation, and SAFEWAY, INC., a foreign  
corporation,

Defendants.

No. 4:18-cv-01716-RSL

STIPULATED MOTION AND ORDER OF  
DISMISSAL OF DEFENDANT SAFEWAY  
INC.

**STIPULATION**

The parties, by and through their respective counsel, hereby stipulate as follows:

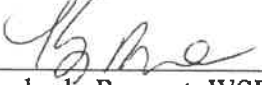
1. All claims against defendant Safeway Inc. may be dismissed, without fees or costs, and that the Order below dismissing those claims may be entered;

2. The Order of Dismissal will automatically become "with prejudice" should no party move to amend a pleading to assert fault against Safeway Inc. by the currently pending expert disclosure deadline, 9/4/19.

3. If no party moves to amend a pleading to assert fault against Safeway Inc. by 9/4/19, the remaining defendants may not claim that Safeway is an empty chair under RCW 4.22.070 or any other theory.

Signed this 21<sup>st</sup> day of May, 2019.

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13 **ORDER**

14 THIS MATTER came before the Court upon the above Stipulation of the parties. In  
15 light of the foregoing, the Court hereby ORDERS as follows:

16 1. All claims against defendant Safeway Inc. are hereby dismissed, without fees or costs;

17 2. This Order of Dismissal shall automatically become "with prejudice" should no party  
18 move to amend a pleading to assert fault against Safeway Inc. by the currently pending expert  
19 disclosure deadline, 9/4/19.

20 3. If no party moves to amend a pleading to assert fault against Safeway Inc. by 9/4/19,  
21 the remaining defendants may not claim that Safeway is at fault as an empty chair under RCW  
22 4.22.070 or any other theory.  
23

DONE IN OPEN COURT this 23<sup>rd</sup> day of May, 2019.

Robert S. Lasnik  
Honorable Robert S. Lasnik

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